

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LINDA MIGLIORI, FRANCIS J. FOX,
RICHARD E. RICHARDS, KENNETH
RINGER, and SERGIO RIVAS,

Plaintiffs,

and

ZACHARY COHEN,

Intervenor- Plaintiff,

v.

LEHIGH COUNTY BOARD OF ELECTIONS,

Defendant,

and

DAVID RITTER,

Intervenor-Defendant.

No. 5:22-cv-00397-JFL

**ANSWER TO PLAINTIFFS’ PETITION FOR ATTORNEYS’ FEES
FILED BY LEHIGH COUNTY BOARD OF ELECTIONS**

The Lehigh County Board of Elections (“Board”), above-captioned Defendant, by and through its undersigned counsel, respectfully submits this Answer to the Petition for Attorneys’ Fees filed by Linda Migliori, Francis J. Fox, Richard E. Richards, Kenneth Ringer, and Sergio Rivas, above-captioned Plaintiffs (ECF No. 65), and responds to Plaintiffs’ averments as follows:

1. Denied. The corresponding paragraph references a civil lawsuit filed by Plaintiffs initiated through the filing of a Complaint, which is a written document that speaks for itself. Any and all characterizations of the Complaint by Plaintiffs are expressly denied. Any and all remaining factual averments are denied.

2. Denied. The corresponding paragraph references an Opinion and Order of the U.S. Court of Appeals for the Third Circuit, which is a written document that speaks for itself. Any and all characterizations of the Opinion and Order by Plaintiffs are expressly denied. Any and all remaining actual averments are denied.

3. Denied. The corresponding paragraph sets forth a legal conclusion to which no response is required, and, therefore, it is denied. By way of further response, David Ritter, Intervenor-Defendant before this Honorable Court, sought and obtained vacatur of the Opinion and Order of the Third Circuit. Any and all remaining factual averments are denied.

4. Denied. The corresponding paragraph sets forth a legal conclusion to which no response is required, and, therefore, it is denied. Any and all remaining factual averments are denied.

5. Denied. The corresponding paragraph sets forth a legal conclusion to which no response is required, and, therefore, it is denied. By way of further response, it is expressly denied that Plaintiff's obtained the precise relief they sought in this matter. Any and all remaining factual averments are denied.

6. Denied. The corresponding paragraph sets forth a legal conclusion to which no response is required, and, therefore, it is denied. The corresponding paragraph also references a Decision of the United States Supreme Court, which is a written document that speaks for itself and any and all characterizations of that Decision are denied. Any and all remaining factual averments are denied.

7. Denied. The corresponding paragraph sets forth a legal conclusion to which no response is required, and, therefore, it is denied. The corresponding paragraph also references an

Order of this Honorable Court, which is a written document that speaks for itself and any and all characterizations of that Order are denied. Any and all remaining factual averments are denied.

8. Denied. The corresponding paragraph sets forth a legal conclusion to which no response is required, and, therefore, it is denied. By way of further response, for the reasons set forth in the two briefs filed by the Board in opposition to Plaintiffs' petition for attorney fees on May 8 and May 15, 2023 (ECF Nos. 77, 79), Plaintiffs are not entitled to an award of attorney fees or costs.

9. Denied. The corresponding paragraph sets forth a legal conclusion to which no response is required, and, therefore, is denied. By way of further response, for the reasons set forth in the two briefs filed by the Board in opposition to Plaintiffs' petition for attorney fees on May 8 and May 15, 2023 (ECF Nos. 77, 79), Plaintiffs requested attorney fees are not reasonable.

WHEREFORE, the Board respectfully requests that this Honorable Court deny Plaintiff's petition for attorney fees.

Respectfully Submitted,

Repka Mazin, LLC

Date: June 30, 2023

By: *Lucas J. Repka*

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Answer to Petition for Attorneys' Fees was served on all parties of record via the Court's CM/ECF system on the date set forth below.

Date: June 30, 2023

By: Lucas J. Repka

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